

AP35673 - 070457.1674
PATENTREMARKS

Applicant submits this amendment in response to the Office Action dated April 20, 2006.

In the Office Action, the Examiner rejected claims 1-5, 7-13, 15-21, and 23-25 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,266,640 to Fromm (hereinafter "Fromm"). Additionally, the Examiner rejected claims 6, 14, 22, and 26-30 under 35 U.S.C. § 103(a) as allegedly unpatentable over Fromm in view of WO 02/071,176 A2 to Enosh et al. (hereinafter "Enosh"). Applicant respectfully traverses all rejections of record.

Claim Rejections Under 35 U.S.C. § 102 and 103

Claims 1-5, 7-13, 15-21, and 23-25 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Fromm. Claims 6, 14, and 22 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Fromm in view of Enosh.

Independent claim 1 is directed to a method for conducting a secure transaction and has been amended to include the elements of, *inter alia*:

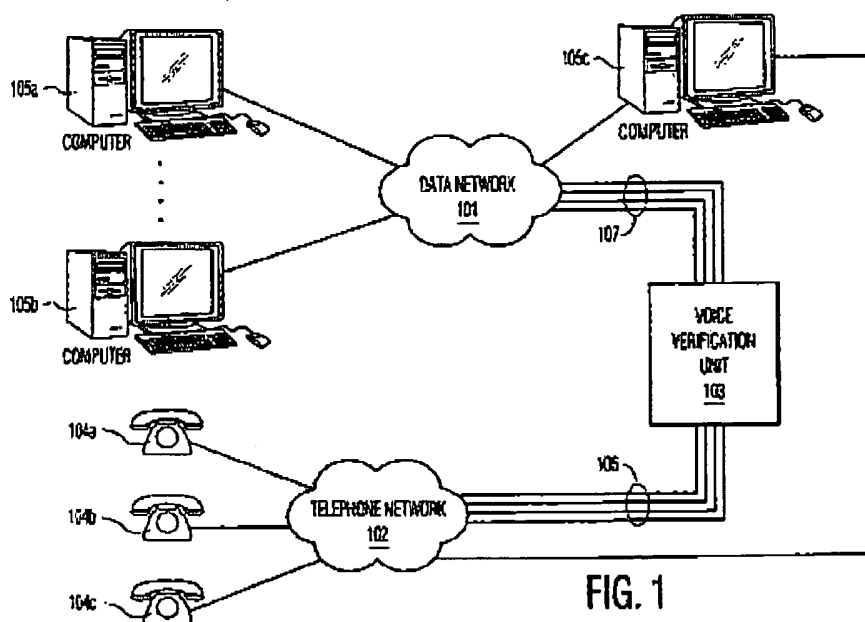
providing payment account information associated with said payment account via telephone, said payment account information to be used for conducting said transaction;

transmitting an authentication request, formatted according to the 3-D Secure authentication protocol, including said payment account information to an issuer server;

Fromm is directed to a technique for verifying a user's voice in conducting a business transaction over a computer data network, such as the internet. (See Fromm, col. 1, lines 14-15 and col. 1 line 55 - col. 2 line 4). The technique involves retrieving a user's voice

AP35673 - 070457.1674
PATENT

print from a voice print bank based on the user's ID which is ascertained from his computer data network address. (See Fromm, col. 1, lines 61-63). As shown in Figure 1 of Fromm, which is reproduced below for the Examiner's convenience, the data network 101 includes and plurality of computers 105a, 105b, and 150c separate from the telephone network 102 which includes a plurality of phones. Fromm, however, fails to disclose providing payment account information via telephone as Applicants amended claim 1 requires. Instead, in Fromm, the payment account information is provided via the computer data network by transmission from computer 105a. (See Fromm, col. 2, lines 59-65 and col. 3, lines 8-12). Therefore, Fromm does not disclose providing payment account information associated with said payment account via telephone, and thus claim 1 can not be anticipated by Fromm.



Additionally, Fromm does not disclose or suggest formatting an authentication request according to the 3-D secure authentication protocol. The Examiner admits, at page 4 of the office action, that Fromm is silent with respect to formatting the authentication request

AP35673 - 070457.1674
PATENT

according to the 3-D secure authentication protocol. The Examiner argues that it would have been obvious to incorporate the 3-D secure protocol of Enosh into the system of Fromm. However, there is no suggestion or motivation in either reference to combine the two. Applicants invention, for example, is an improvement over the known techniques of Fromm and Enosh which requires the modification of the 3-D secure protocol to include the telephone number associated with the payment account such that voice authentication can take place. (See Application, paragraph [0020]). As such, the combination of Fromm and Enosh is not proper.

Assuming, *arguendo*, that the combination is proper, the combination still fails to disclose or suggest providing payment account information via telephone. The Examiner argues that it would have been obvious to incorporate the 3-D secure protocol of Enosh into the system of From in order to provide a more secure system during an electronic commerce purchase transaction. (See Office Action, page 5, emphasis added). As discussed above, Applicants amended claim 1 requires providing payment account information via telephone. There is no disclosure or suggestion in Enosh to conduct the transaction via the telephone. Therefore, Fromm and Enosh together do not disclose or suggest providing payment account information associated with said payment account via telephone, and thus claim 1 is patentable over the cited prior art for at least this additional reason.

Independent claim 9 has been amended to include the elements of, *inter alia*:
receiving payment account information associated with said payment account via telephone, said payment account information to be used for conducting said transaction; and
transmitting an authentication request, formatted according to the 3-D Secure authentication protocol, including said payment account information to an issuer server, said authentication request triggering automatically by said server a telephone call to said holder.

AP35673 - 070457.1674
PATENT

Independent claim 17 has been amended to include the elements of, *inter alia*:
receiving payment account information associated with said payment account via
telephone, said payment account information to be used for conducting said transaction; and
receiving an authentication request, formatted according to the 3-D Secure authentication
protocol, including at least said payment account information in connection with conducting said
transaction.

Independent claim 25 has been amended to include the elements of, *inter alia*:
wherein said automated voice response subsystem receives an authentication request and
transmits an authentication response, wherein said payment account information is provided via
telephone and further wherein said authentication request and said authentication response are
formatted according to the 3-D Secure authentication protocol.

Therefore, for the same reasons discussed above with respect to claim 1, Fromm
and Enosh fail to disclose or suggest each limitation of independent claims 9, 17, and 25 and thus
claims 9, 17, and 25 are patentable over the cited art for the same reasons as discussed with
respect to claim 1. Applicant respectfully submits that claims 1, 9, 17, and 25 are in condition for
allowance. Additionally, because all remaining claims depend from claims 1, 9, 17, and 25, it is
respectfully submitted that these claims are in condition for allowance as well.

Additionally, claims 7, 15, and 23 include the additional element that the
authentication request includes at least a device category data field, an authentication request
channel data field, a cardholder phone number data field and a voice channel transfer method
data field. The wording of these claims requires the authentication request includes all of a
device category data field, an authentication request channel data field, a cardholder phone

AP35673 - 070457.1674
PATENT

number data field, and a voice channel transfer method data field and not just "at least one" of them as the Examiner argues at page 7 of the Office Action. Fromm and Enosh fail to disclose or even remotely suggest the use of all of these data fields. Therefore, claims 7, 15, and 23 are patentable over the cited art for at least this additional reason.

AP35673 - 070457.1674
PATENTCONCLUSION

In view of the foregoing amendments and remarks, favorable consideration and allowance of claims 1-3, 6-11, 14-19, and 22-25 as amended is respectfully solicited. Applicant hereby authorizes the Commissioner to charge payment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 02-4377. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,

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